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FOR THE FIRST CIRCUIT

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**NOTICE OF AMENDMENT TO LOCAL RULE 28.0**

The United States Court of Appeals for the First Circuit previously provided notice of proposed amendments to Local Rule 28.0. Although the court solicited comments, no comments were received.

The Court of Appeals hereby provides notice of the adoption of the proposed amendments. The full text of Local Rule 28.0, with the amendments incorporated, is attached. These changes are effective immediately.

February 16, 2007

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Richard Cushing Donovan

## Local Rule 28.0 Addendum to Briefs Required

- (a) **Contents.** In addition to the requirements of Fed. R. App. P. 28, for the court's convenience, the brief of the appellant must include an addendum containing the following items:

- (1) **Required.** The judgments, decisions, rulings, or orders appealed from, including any supporting explanation (e.g., a written or transcript opinion), and in addition, where the district court or agency whose decision is under review was itself reviewing or acting upon the decision of a lower-level decision-maker, that lower-level decision as well (e.g., a recommended decision by a magistrate judge or an initial decision by an administrative law judge).

Note: If the decision appealed from is a text-only entry upon a docket report, a copy of the relevant entry or page of the docket report should be provided.

- (2) **Optional, but encouraged.** The addendum may also include other items or short excerpts from the record that are either the subject of an issue on appeal (e.g., disputed jury instructions or disputed contractual provisions) or necessary for understanding the specific issues on appeal, up to 25 pages in total. Statutes, rules, regulations, etc. included as part of the addendum pursuant to Fed. R. App. P. 28(f) do not count towards this page limit.

- (b) **Form.** The addendum shall be bound at the rear of the appellant's brief. The addendum must begin with a table of contents identifying the page at which each part begins.

- (1) The appellee's brief may include such an addendum to incorporate materials omitted from the appellant's addendum, subject to the same limitations on length and content.

- (2) Material included in the addendum need not be reproduced in the appendix also.

- (c) **Sealed Items.** Notwithstanding the above, sealed or non-public items - - including a presentence investigation report or statement of reasons in a judgment of criminal conviction - - should not be included in a public addendum. Rather, where sealed items are to be included, they should be filed in a separate, sealed addendum.